THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2073 OF 2006

DATED 03rd FEBRUARY, 2006

BETWEEN

B.S.Sujatha, W/o B.Satyanarayana

… Petitioner

and

The Commissioner, Alwal Municipality,

Ranga Reddy District, Secunderabad.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2073 OF 2006

ORDER:

The petitioner is a resident of Alwal. She filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondent in not discharging official duties and not complying with the directions of this Court as unconstitutional and illegal. She also seeks a consequential direction to the respondent to demolish the illegal and unauthorized construction being carried on, on the land adjacent to residential house of the petitioner bearing No.1-9-2, Temple Alwal, Ranga Reddy District.

The petitioner initially filed a writ petition being W.P.No.25671 of 2005 before this Court seeking a writ of Mandamus declaring the action of the respondent in not taking suitable action for preventing unauthorized and illegal construction being made by some persons and also not taking any action on the representation made by the petitioner. This Court disposed of the said writ petition on 02.12.2005 directing the respondent to consider the representation as well as the legal notice sent by the petitioner. This Court also further directed the respondent to cause inspection on illegal construction and also furnish to the petitioner the particulars of the person who is making such illegal construction. It is the case of the petitioner that in spite of such direction, the respondent has not initiated any action and the persons are carrying on the construction of pucca building illegally obstructing the water and drainage connections of the petitioner.

At the stage of admission itself, the learned standing counsel for Municipalities has produced the original file to show that necessary action has already been taken. A perusal of the file would show that the respondent issued notice on 18.11.2005 under Section 228(1) and (2) of A.P.Municipalities Act, 1965 (for short, the Act) and under Section 42(1) and 43(1) of A.P.Urban Areas (Development) Act, 1975. The respondent also issued confirmation orders under Section 228(3) of the Act directing one P.Krishna to remove unauthorized construction of room in the place of dismantled house bearing
No.1-9-3 affected in road widening and also remove unauthorized construction of projection of RCC Chejja with a width of 2' 6" in a common passage. The attention of this Court is also invited to an endorsement No.G/1626/2005, dated 19.12.2005, issued by the respondent to the petitioner informing her that the office of the second respondent will take necessary steps for removal of the encroachment. As per the report of the attender, who went to serve the endorsement, when the said endorsement was sought to be served on the petitioner, she refused to receive the same. Therefore, the endorsement was affixed to the premises of the petitioner. As rightly pointed out by the learned standing counsel, the petitioner filed this writ petition by suppressing the facts and the writ petition is liable to be dismissed with exemplary costs. However, taking into a lenient view and noticing that the respondent has already initiated necessary action in a right direction, the writ petition is dismissed. No costs.

(V.V.S.RAO,J)

03.02.2006.

pln